

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

MARCUS O. ALLEN,

Plaintiff,

v.

CHRISTOPHER A. WRAY,
Director, Federal Bureau of Investigation,

Defendant.

Case No. 0:22-cv-04536-MGL

JOINT STATUS REPORT

Plaintiff Marcus Allen brought this action challenging the temporary suspension of his top-secret security clearance by the Federal Bureau of Investigation (“FBI”) pending a determination whether that clearance should be finally revoked. Since the filing of Plaintiff’s complaint, the FBI completed its investigation and reached a decision to revoke Plaintiff’s clearance. *See* ECF No. 35. The FBI’s letter revoking Plaintiff’s clearance permits him to request—through an administrative process independent of any claims asserted in this action—any documents upon which the revocation is based and to seek reconsideration within 30 days of his receipt of the letter or his receipt of the requested documents, whichever is later. ECF No. 35-1 at 2. Since receiving the FBI’s revocation letter, Plaintiff has not amended his complaint and instead has requested copies of documents relevant to the FBI’s revocation determination. In light of these administrative developments, the Court has stayed this case until further notice and has ordered monthly status reports during the pendency of the stay. *See* ECF No. 38.

In accordance with the separate administrative process applicable to Plaintiff’s document request, the FBI intends to process thousands of pages of documents and produce documents on a rolling basis over an estimated three- to four-month period. Upon receipt and review of those

documents, Plaintiff will decide whether to seek administrative reconsideration or pursue some other relief.

Accordingly, the parties respectfully propose that the Court suspend the filing of monthly joint status reports for the next three months and instead order the parties to file a joint status report on or before September 5, 2023, with an update on where any administrative proceedings stand at that time.

Respectfully submitted,

/s/ Ruth C. Smith

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Counsel for Plaintiff

Dated: July 5, 2023

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/s/ Barbara M. Bowens

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CERTIFICATE OF SERVICE

I hereby certify that on this date, July 5, 2023, I caused a true and correct copy of this joint status report to be served on counsel of record by delivering it electronically through the Court's electronic filing system.

/s/ Barbara M. Bowens

BARBARA M. BOWENS (Bar No. 4004)
Assistant United States Attorney
United States Attorney's Office

Counsel for Defendant